

Notice of Allowability

Application No.

09/607,070

Examiner

Justin R Fischer

Applicant(s)

YURJEVICH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6 April 2004.
2. ☒ The allowed claim(s) is/are 1-7, 9, 11-22, and 24-40 (renumbered 1-37).
3. ☒ The drawings filed on 08 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION***Election/Restrictions***

1. Claims 1, 7, 9, 11-17, 21, 22, and 24-40 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 2-6 and 18-20, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 2-6 and 18-20 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office Action dated 12/5/2001 is hereby withdrawn.

Allowable Subject Matter

2. Claims 1-7, 9, 11-22, and 24-40 (renumbered 1-37) are allowed. The following is an examiner's statement of reasons for allowance:

It is well known in the tire industry to form a lower sidewall region as a cantilevered region in order to provide a desired balance of rigidity and radial elasticity, as shown for example by Gardner (US 3,949,798), Peda (US 6,044,884), and Boileau (US 3,631,913). In particular, Gardner and Peda are specifically directed to the inclusion of said cantilevered portion in a runflat tire. However, in each instance, the runflat assembly is designed such that the bead portion and the under tread portion contact each other in a deflated condition- in essence, the tires are designed to collapse upon themselves as opposed to being adapted to support the tire sidewall in an uncollapsed runflat operating condition as is required by the claimed invention. It is

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further noted that Powell (US 4,193,437) is similarly directed to a runflat tire construction in which a runflat insert is disposed axially inward of the carcass plies, wherein said insert prevents the tire from completely collapsing (condition in which inner surface of tire contacts itself). Regarding the existence of a cantilevered region, while the relevant angle depicted in Figure 1 of Powell measures approximately 20 degrees with respect to the tire axis of rotation, applicant correctly points out that the disclosure of Powell fails to contain any written description of quantitative values, or for that matter any description at all regarding the angle in the lower sidewall/bead region, and thus the patent drawings cannot be relied upon (unclear if they are working drawings). Thus, the prior art references as whole, while individually describing a cantilevered tire construction and a runflat construction in which the tire does not collapse upon itself, fail to teach, disclose, or suggest a single tire construction incorporating both structural elements and one of ordinary skill in the art at the time of the invention would not have found it obvious to modify any of the prior art references of record to arrive at the claimed tire construction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

May 23, 2004


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300